

REMARKS/ARGUMENTS

Applicant requests the Examiner to cancel Claims 2, 5 and 6. Accordingly, Claims 1, 3, 4 and 7-9 are currently pending in this Application. In the Office Action dated May 16, 2005, the Examiner, *inter alia*:

- 1) alleges noncompliance with 37 C.F.R. §1.78(a)(2) and (a)(5);
- 2) objected to Claims 2, 4, 5 and 9;
- 3) rejected Claims 1-9 as allegedly anticipated by U.S. Patent No. 5,599,080 to Ho (the “Ho reference”); and
- 4) rejected the Claims 1-9 based on an alleged obviousness-type double patenting in view of Applicant’s prior U.S. Patent No. 6,626,093.

Applicant respectfully addresses these items below.

Benefit of Earlier Filing Date and Amendments to the Specification:

In the Office Action, the Examiner asserts that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120. Contrary to the Examiner’s assertion, the Applicant respectfully points out that the reference required by 37 C.F.R. §1.78(a)(2) and (a)(5) was included in the application data sheet (37 C.F.R. §1.76) that was submitted on January 26, 2004, when this application was filed. Applicant therefore submits that, pursuant to 37 C.F.R. §1.78(a)(2)(iii) and (a)(5)(iii), it has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120. Furthermore, Applicant has amended the Specification to clarify that the present application is a continuation of U.S. Patent Application serial no. 09/648,405, now U.S. Patent No. 6,885,550, filed August 24, 2000, which claims benefit to U.S. Provisional Patent Application serial no. 60/150,788, filed August 26, 1999. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the objection.

Objection to Claims 2, 4, 5 and 9:

In the Office Action, the Examiner objects to Claims 2, 4, 5 and 9 citing informalities.

Claims 4 and 9:

Applicant has amended Claims 4 and 9 to overcome the cited informalities. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the objection to Claims 4 and 9.

Claims 2 and 5:

Applicant has requested that the Examiner cancel Claims 2 and 5. Accordingly, the objections to Claims 2 and 5 are moot. Applicant therefore respectfully requests the withdrawal of the objection to Claims 2 and 5.

Rejection under 35 U. S. C. § 102(a) as allegedly anticipated by the Ho reference:

In the Office Action, the Examiner rejects Claims 1-9 under §102(a) as allegedly being anticipated by the Ho reference. Applicant respectfully disagrees. To be anticipated, a reference must teach each and every element of the claim *as set forth in the claim*. (See MPEP §2131).

Claims 1 and 3:

With regards to Claim 1, the Ho reference fails to teach, for example, a screwless means for attaching a computer drive to a computer chassis comprising a computer chassis mounting clip having a secondary flexible tab configured to releaseably engage the primary flexible tab, as required by amended Claim 1. The Ho reference therefore does not anticipate amended Claim 1 or its dependent Claim 3. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 1 and 3.

Claims 2, 5 and 6:

Applicant has requested that the Examiner cancel Claims 2, 5 and 6. Accordingly, the objections to Claims 2, 5 and 6 are moot. Applicant therefore respectfully requests the withdrawal of the objection to Claims 2, 5 and 6.

Claims 4, 7 and 8:

With regards to Claim 4, the Ho reference fails to teach, for example, a screwless means for attaching a computer drive to a computer chassis comprising a securing clip and a clip mounting feature, the securing clip having a primary flexible tab engageable with a secondary flexible tab on the clip mounting feature, as required by amended Claim 4. The Ho reference therefore does not anticipate amended Claim 4 or its dependents, Claims 7 and 8. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection to Claims 4, 7 and 8.

Claim 9:

With regards to Claim 9, the Ho reference fails to teach, for example, a method of assembling a computer drive to a computer chassis comprising the steps of engaging the secondary flexible tab with a primary flexible tab present on a clip mounting feature, wherein the clip mounting feature is affixed to the computer chassis, as required by amended Claim 9. The Ho reference therefore does not anticipate amended Claim 9. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of the rejection to Claim 9.

Rejection of Claims Citing the Judicially Created Doctrine of Double Patenting:

In the Office Action, the Examiner rejected Claims 1-9 under the judicially created doctrine of double patenting over Applicant's prior U.S. Patent No. 6,885,550. Applicant submits herewith a Terminal Disclaimer, together with the requisite fee, disclaiming any part of the term of a patent

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issuing on the present application which would exceed the term of U.S. Patent No. 6,885,550.

Accordingly, Applicant requests that this rejection be withdrawn.

CONCLUSION

In light of the remarks and arguments presented above, Applicant respectfully submits that the pending and amended claims in the Application are in condition for allowance. Favorable reconsideration and allowance of Claims 1, 3, 4 and 7-9 is therefore respectfully requested.

Applicant hereby authorizes the Commissioner to charge any fees, other than the issue fee, that may be required by this paper to Deposit Account 07-0153. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,
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